

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CURTIS RANSOM,)	
)	
Plaintiff,)	
)	
v.)	No. 04-CV-1171-W-FJG
)	
JOANNE BARNHART,)	
Commissioner, Social Security)	
Administration)	
)	
Defendant.)	

ORDER

Currently pending before this Court is defendant's Motion to Reverse and Remand (Doc. # 13).

Agency counsel states that after review of the above referenced case, agency counsel requested the Appeals Council to reconsider the Commissioner's decision. Upon review, the Appeals Council determined that remand was appropriate. Remand was considered necessary because plaintiff's treating psychologist, Gregory F. Hill, Ph.D., treated plaintiff for more than seven years and provided an opinion that plaintiff was disabled, yet the ALJ found that plaintiff did not have a severe mental impairment. Agency counsel states that upon remand the ALJ will be directed to evaluate the opinion of Dr. Hill, and articulate what weight will be given to his opinion; reevaluate plaintiff's credibility; reevaluate plaintiff's residual functional capacity based on all of the relevant record evidence and if necessary obtain supplemental evidence from a vocational expert.

Plaintiff opposes the Motion to Remand and instead urges the Court to reverse the ALJ's decision without remanding the case and award Mr. Ransom benefits.

Plaintiff states that the ALJ completely rejected the opinion of Dr. James Stanford, plaintiff's long-term treating physician and instead relied on the testimony of the medical expert. Plaintiff argues that when the record clearly establishes disability and remanding the case for a further hearing would simply delay the receipt of benefits, an immediate order granting benefits is appropriate.

In Buckner v. Apfel, 213 F.3d 1006 (8th Cir. 2000), the Court stated, "when a claimant appeals from the Commissioner's denial of benefits and we find that such a denial was improper, we, out of our abundant deference to the ALJ, remand the case for further administrative proceedings. . . . Consistent with this rule, we may enter an immediate finding of disability only if the record overwhelmingly supports such a finding." Id. at 1011 (internal citations and quotations omitted). After reviewing the record, the Court does not find that the record "overwhelmingly supports" a finding that Mr. Ransom is entitled to benefits. While this may be the end result, the ALJ must correctly weigh and evaluate the evidence and then make a determination regarding plaintiff's application for benefits.

Therefore, this Court hereby **ORDERS** that the Administrative Law Judge's decision is **REVERSED** and this case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). In addition to evaluating the opinion of Dr. Hill, the ALJ is also ordered to evaluate the opinion of Dr. James Stanford and articulate the weight that he will give to this physician's opinion.

Date: August 31, 2005
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge